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## **NOTICE OF PUBLIC HEARING**

Pursuant to the provisions of M.G.L. c. 118G and in accordance with M.G.L. c. 30A, as amended, a public hearing will be held on Monday, November 19, 2012 at 10:00 A.M. at the Division of Health Care Finance and Policy ("Division"), 2 Boylston Street, 5<sup>th</sup> floor, Boston, MA relative to the adoption of a fee schedule established pursuant to regulation:

### **114.5 CMR 22.00: Health Care Claims Data Release**

The Division has issued Administrative Bulletin 12-31, effective October 5, 2012, which establishes a fee schedule governing the fees for All-Payer Claims Database ("APCD") data and related application fees for such data. The established fees reflect the cost of systems analysis, program development, computer production, vendors' fees, consulting services and other costs related to the production of any requested data. The fee schedule is arranged into two categories of fees, one for Massachusetts entities and the other for out-of-state entities. Within each category, the established fees are based upon four factors: (1) the type and number of data files requested; (2) the type of organization or individual requesting the data; (3) the number of years of data requested; and (4) the data elements requested. An applicant requesting APCD data must remit the application fee with the applicant's data request application and, if such application is approved, the applicant must remit the established fee prior to the release of the requested data. The established fees are effective for the period October 5, 2012 through June 30, 2013 and the period commencing July 1, 2013. For subsequent years, established fees may be subject to an annual increase of up to 2%. The Division may reduce or waive the applicable fees for qualified applicants.

The Division adopted the fee schedule on an emergency basis to ensure the prompt and timely release of health care claims data for health care policy analysis where such access serves the public interest while safeguarding the privacy rights of claims data subjects. The fiscal impact on Massachusetts applicants will depend upon the type, mix and quantity of requested data as well as the type of applicant requesting such data.

Individuals who notify the Division of their intent to testify at the hearing will be afforded an earlier opportunity to speak. Speakers may notify the Division of their intention to testify at the hearing by registering online at [www.mass.gov/dhcfp/regulations](http://www.mass.gov/dhcfp/regulations). Individuals may also submit written testimony by emailing [HCF-Regulations@state.ma.us](mailto:HCF-Regulations@state.ma.us). Please submit electronic testimony as an

attached Word document or as text within the body of the email with the name of the regulation in the subject line. All submissions must include the sender's full name and address. Individuals who are unable to submit testimony by email should mail written testimony to the Division of Health Care Finance and Policy, Two Boylston Street, Boston, MA 02116-4704. Written testimony must be submitted by 5:00 P.M. on Thursday, November 29, 2012. Copies of the regulation are available for inspection and/or purchase at the Division of Health Care Finance and Policy or may be viewed at the Division's website at [www.mass.gov/dhcfp/regulations](http://www.mass.gov/dhcfp/regulations).